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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/538,140	06/09/2005	Christophe Martinez	007875-0316313	007875-0316313 8435	
909 7590 09/26/2006 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER		
			CHU, CH	CHU, CHRIS H	
			ART UNIT	PAPER NUMBER	
,			2874		
			DATE MAILED: 09/26/2006	DATE MAILED: 09/26/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/538,140		Application No.	Applicant(s)				
Chris H. Chu	055	10/538,140	MARTINEZ, CHRISTOPHE				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address ─ Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 37 CFR 1.18(b), in no event, however, may any by be timely filled. If NO period for reply is specified above, the maximum statutory period wit apply and will expire SIX (b) MONTHS from the mairing date of this communication. Failure for require yield within the set or excended period for required the part of the communication. Failure for require within the set or excended period for required the part of the communication, even if timely filled. They reduce any exempt pairs that mapagement. Set of 7 CFR 1.78(b) will by statistic, ease the application to second ARANDONE (3 u.S. C. § 133). Failure for require them appearsment. Set of 7 CFR 1.78(b) will by statistic, ease the application of period will apply any or the part of the communication, even if timely filled. They reduce any exempt pairs that pairs are provided and the communication of the part of the communication of the communication of the part of the communication of the part of the communication of the part of the pa	Office Action Summary	Examiner	Art Unit				
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 3 CFR 1.13(b), in ne event, however, may a ray by be finely field of the ISX (6) MONTIS from the mailing date of this communication. Failthor for grow yithin the set or extended period for rejival, they shall acquire the mailing date of this communication. Failthor from yithin the set or extended period for rejival, by statistic cause the application to become ARAMONEOUS 13 U.S. C. § 133). Any resty received by the Differs between the mailing date of this communication, even if limely filed, may reduce any seared path of the communication is provided by the Differs between the mailing date of this communication, even if limely filed, may reduce any seared path of the provided path of the communication is non-final. 3] ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4] ☐ Claim(s) 1-2½ is/are pending in the application. 4a) Of the above claim(s) 9-2½ is/are withdrawn from consideration. 5] ☐ Claim(s) 1-2½ is/are allowed. 6] ☐ Claim(s) 1-2½ is/are objected to. 8] ☐ Claim(s) 1-2½ are subject to restriction and/or election requirement. Application Papers 9] ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 09-June 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Application Papers 9] ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No. ☐ Oxide of Informal State application from the Inte							
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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-8, drawn to an optical waveguide with an artificial cladding grating, classified in class 385, subclass 37.
- II. Claims 9-21, drawn to a method of manufacturing a waveguide with an artificial cladding grating, classified in class 65, subclass 30.13.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of making. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case (2) applies because the waveguide of invention I can be made manufactured by a different process, such as one in which the core is not formed by modifying a refractive index of the substrate.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and require different searches, restriction for examination purposes as indicated is proper.

During a telephone conversation with Christopher Lair on September 1, 2006, a provisional election was made with traverse to prosecute the invention of an optical waveguide with an artificial cladding grating, claims 1-8. Affirmation of this election

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must be made by applicant in replying to this Office action. Claims 9-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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Information Disclosure Statement

The prior art documents submitted by applicant in the Informational Disclosure Statement filed on September 8, 2005 have all been considered and made of record (note the attached copy of form PTO-1449).

Drawings

Five (5) sheets for formal drawings were filed June 9, 2005 and have been accepted by the Examiner.

Specification

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahuja et al. (EP 1,182,475 A2 from the applicant's Information Disclosure Statement).

Regarding claim 1, Ahuja et al. discloses an artificial cladding grating component for use in integrated optics comprising a substrate (15 in Fig. 5), an optical guide core (12 in Fig. 5), an optical cladding (14 in Fig. 5) formed in the substrate independent of the core and surrounding at least a portion of the core to form a zone of interaction, a grating (16 in Fig. 3) formed in the zone of interaction to couple a guided mode of the core to a cladding mode, wherein the zone of interaction is configured to provide coupling variation (see abstract) between the guided mode of the core and the cladding mode along a direction of propagation of the modes and wherein a refractive index of the cladding is different from a refractive index of the substrate and lower than a refractive index of the core (see column 4, lines 54-57 and column 5, lines 33-35).

Regarding claim 2, Ahuja et al. discloses the coupling variation along the direction of propagation of the modes to correspond to a variation of the coupling efficiency in the abstract and column 5, 14-17.

Regarding claim 3, Ahuja et al. discloses a section of the cladding in the interaction zone modulated to create the coupling variation in Figs. 3 and 5-9.

Regarding claim 4, Ahuja et al. discloses a centering of the core with respect to the cladding modulated to create the coupling variation in Figs. 3 and 5-9. Ahuja et al. discloses in column 5, lines 1-13 that the height of the perturbations are defined to be distances of the clad surface with respect to the core. As can be seen from Fig. 3, the

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perturbations cause the centering of the core with respect to the cladding to be modulated, which causes the coupling variation.

Regarding claim 5, Ahuja et al. discloses a modulation of the section of the cladding to be uniform in Fig. 9. Column 4, lines 42-49 states that the perturbations can be regular and vary along the length of the grating.

Regarding claim 6, Ahuja et al. discloses a modulation of the centering of the core with respect to the cladding to be uniform in Fig. 9.

Regarding claim 7, Ahuja et al. discloses a modulation of the section of the cladding to be a discrete variation in Figs. 3 and 5-8.

Regarding claim 8, Ahuja et al. discloses a modulation of the centering of the core with respect to the cladding to be a discrete variation in Figs. 3 and 5-8.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris H. Chu whose telephone number is 571-272-8655. The examiner can normally be reached on 8:30 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Any inquiry of a general or clerical nature should be directed to the Technology

Center 2800 receptionist at telephone number (571) 272-1562.

Chris H. Chu Patent Examiner September 13, 2006 Page 6

MUMUL R. CAMULY CUSHWA
PRIMARY EXAMINER

9/18/06